

I. Call to Order

Chairman Dan Kowalski called the Regular Meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's conference room in the Town Offices. Present: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Alex Vispoli-Y, Brian Major-Y, Mary O'Donoghue-Y. Also present: Assistant Town Manager Steve Bucuzzo and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

~ Town Clerk Larry Murphy reported that 18-20% of the Town's registered voters turned out for the State Primary on September 9th. A power outage affected the polling site at the Senior Center but through the swift efforts of Director of Municipal Services Director Chris Cronin and Plant & Facilities Deputy Director Ed Ataide the voting machines were back in operation quickly. He appreciated everyone involved who helped to keep the voting process going.

~ Paul Salafia went on a site walk of the current Town Yard with members of the Economic Development Council (EDC) last week and attended a very enlightening meeting.

~ Brian Major attended the grand opening of Schneider Electric at 800 Federal Street last week along with the Town Manager and other Town officials. The site of the new R & D Center is also Schneider's US Headquarters employing about 800 people. Alex Vispoli noted that through the vote at Town Meeting to work with the TIF Program they accomplished the task of moving forward with the investment in 800 Federal Street.

~ Alex Vispoli recognized the Patriotic Holiday Committee and Director of Veteran Affairs Michael Burke for organizing the 9/11 Ceremony held last Thursday in front of the Town Offices and complimented Dan Kowalski on his speech.

~ Dan Kowalski said the School Committee will soon be announcing the date for the Bancroft School Open House.

IV. Citizens Petitions and Presentations

John Pasquale, 47B Whittier Street, said he is discouraged that the Selectmen do not have the Town Yard on their agenda tonight. The consensus gathered from his talks with residents indicates support of a new Town Yard in the amount of \$10-11M but not \$20M. It is his opinion that the Board needs to rezone the area or nothing will happen.

George Cooke, 8 Dufton Road, pleaded with the Board to do something about the property at Dufton Road. Chairman Kowalski said the Town is in litigation on this issue and thus unable to publicly comment on the matter.

Mary Carbone, 3 Cyr Circle, said she would like to see the Zoning Board meetings televised. She also wants the Town Yard to stay at its current site.

Will Perkins, 14 Rennie Drive, asked if the gas company, who shut off gas off at a vacant house on Florence Street which his son has purchased, could turn it on or do they have to have a public hearing for this request. Eric Schlitz, Construction Supervisor for Bay State Gas, who was present at the meeting will look into the situation.

V. Public Hearings

A. Columbia Gas of Massachusetts

Alex Vispoli read the request from Columbia Gas of Massachusetts for permission to excavate for the purpose of replacing and/or extending its gas mains and to make the necessary house connections along the following public ways:

- 50 feet on River Road for the purpose of tying in a new 555 feet 2" HDPE main that will feed 6 new homes on Ferry Crossing/Jillian Way. The new 2" HDPE main and services will be tied into the existing 6" HDPE 99psi gas main on River Road. The approximate location is shown on Petition #14-23094.
- 1,600 feet on Linda Road, 120 feet on Rocky Hill Road and 470 feet on Black Horse Lane for the purposes of extended the gas main that will feed #6 Black Horse Lane. The new gas main will be 6" HDPE and will tie into the existing 6" BS 15psi gas main on South Main Street. The approximate location is shown on Petition #13-19675.

The requests have been reviewed and approved by the Municipal Services Director with the condition that street opening permits for each project must be obtained from the Engineering Division of the Municipal Services Department prior to the commencement of any construction.

Residents affected by the construction asked if the road would be repaved, if they will be able to get out during the construction and when the project will begin and end.

Mr. Schlitz said they are required to restore the road where they dig the trench to its original condition. They will patch the road before and after the Winter season. Neighbors will be notified of any road blockage and the Police will be available to assist with traffic. The project will begin upon receipt of the road opening permit with the expectation for completion of the project by the first of December.

VI. Regular Business of the Board

A. Andover Youth Center

Prior to the start of this meeting, the Board toured the Youth Center construction site with the Youth Center Building Committee. Chris Huntress, Chairman of the AYC Building Committee, provided an update on the progress of the building. He said the steel is going up,

the foundation is complete, and the goal is to have the building weather tight by Winter with completion by March 2015. They are within their budget having spent one half of 1% of the contingency funds. The need for additional contingency funds is reduced now that they are out of the ground. They accomplished a net increase of 33 additional parking spaces and were able to reuse materials from the old Bancroft School. The Building Committee meets the first Thursday of every month at 7:00 A.M. in the Selectmen's conference room. John Pasquale, 47B Whittier Street, suggested they have a professional sign off on the engineering documents noting the 13" change in the foundation layout. He also recommended workers on site wear hard hats and safety harnesses at all times. Steve Fink, 26 Bateson Drive, said one of the students in the High School Internship Program is working on greening of the new Youth Center.

The Selectmen commended the members of the volunteer Building Committee on the quality of their efforts given. This is the largest public/private building in Town with \$2.5M donated by the public – a true community endeavor.

B. Merrimack College

The Board drafted a letter to Merrimack College officials with a copy to the Trustees in addition to attending Planning Board Meetings. They have yet to receive a response from their letter. It was noted that no document from the State has been produced relative to sewer and water service to Merrimack College from Andover/No. Andover. The Andover Inspector of Buildings will provide detail to the Board on what needs to be done by Merrimack, no building permits have been filed to date. The Planning Board can only make a recommendation on construction which can't be started without a water/sewer connection agreement.

Bill Page, Brookfield Road, asked how far back an Intermunicipal Agreement has to go and reported there are still problems with the 2012 sewage installation. Municipal Services Director Chris Cronin said Merrimack has to come before the DPW, the DPW then makes the recommendation to the Building Division, there is a sign-off process. They know which buildings service is provided to and the 2012 deficiencies have been addressed and Merrimack College is taking care of the problem. Bill Willett, 35 Rocky Hill Road, commended the members of the Police Department who met with neighbors to address their traffic and safety concerns.

C. Amendments to the Traffic Rules and Regulations

Police Department Safety Officer Edgerly presented the following changes to the Traffic Rules and Regulations to the Board for their consideration:

Schedule 3, Article II, Section 9 – ISOLATED STOP SIGNS

Add:

- "Stop" sign on Liberty Street heading south at Sutherland Street.

Schedule 7, Article II, Section 8(i) – YIELD SIGNS

Add:

- “Yield” sign at the intersection of Pleasant Street at Bailey Road.
- “Yield” sign on Shawsheen Road northbound to Stevens Street southbound.

Schedule 1, Article V, Section 2 – PARKING

Add:

- “Two-hour parking from 9:00 A.M. to 6:00 P.M. except Sundays & Legal Holidays” on the west side of Poor Street from Martingale Lane for a distance of 100 feet south.

On a motion by Alex Vispoli and seconded by Mary O'Donoghue, the Board voted 4-0 to approve the traffic rules and regulation changes as presented. Brian Major was not in the room at the time the vote was taken.

D. Schneider Electric – Interpretation of T.I.F. Agreement

Attorney Mark B. Johnson was present to request the Board confirm Schneider Electric's interpretation of the T.I.F. Agreement regarding conversion to a condominium form of ownership. LMP GFIII 600 Federal LLC, owner of the property, intends to create two condominium units on the 600-800 Federal Street Property in order to sell each building as a separate condominium unit. It was noted that change of ownership to the condominium does not affect the T.I.F. Agreement with Schneider Electric. Town Assessors reserve the right to assess the buildings and any increase in value would be taxable. Town Counsel reported that the Assessors agree with the language in the document. Alex Vispoli requested the letter from the Town Assessor be placed in the file.

Paul Salafia moved that the Board of Selectmen vote to authorize the Town Manager to sign the letter addressed to and requested by LMP GFIII 600 Federal LLC regarding interpretation of the T.I.F. Agreement dated November 20, 2012 and the proposed conversion of 800 Federal Street to condominium form of ownership, provided that the letter has first been signed by LMP GFIII LLC and by Schneider Electric USA. The motion was seconded by Alex Vispoli and unanimously approved.

E. Hydrant Flushing Program and Hydrant Replacement Project

Municipal Services Director Chris Cronin gave a presentation on the hydrant flushing program and hydrant replacement project. He stated they originally identified 300 hydrants that needed to be replaced. To date, they have replaced 200 and there are still 100 hydrants that need major maintenance performed. He also reported on the upcoming project to begin flushing water pipes (which has never been done). This work cannot be done in the Summer or the Winter. The flushing program will begin the first of October running over a five week period beginning with the area north and west of Rte 133. Communications will be sent out to all residents before the work begins via reverse 911 calls, signs, Facebook, door hangers, etc. They will also notify hotels, restaurants, and schools that would be affected.

F. Forestry Stewardship Grant

Conservation Commission member Kevin Porter provided information on the Forestry Stewardship Grants and the Commission's Forestry Management Plan (FMP). The FMP is

fully funded by the Massachusetts Department of Conservation and Recreation. Parcels in question include Fishbrook north, Virginia Hammond Reservation and Bald Hill Reservation. The purpose is to increase the health of the forest land, preserve some of the old growth, meadow habitat, and identify reserve legacy trees. There has been little or no new tree growth due to the dense canopy which limits the sunlight thus limiting new growth. He also noted that there is not enough diversity among the types of trees and brush. The process of thinning and clearing cuts in the trees and establishing “no disturb” areas not only benefits wildlife but will ensure the health and longevity of these conservation areas for years to come. They will inventory the land, work with the Massachusetts Fish & Wildlife Department and develop a ten-year (10) Land Management Plan.

G. Andover Contributory Retirement Board Vacancy

The Board interviewed the two candidates, Thomas Hartwell and Christopher Cooke, for the Andover Contributory Retirement Board on August 18th and noted that they were very impressed with the qualities of *both* candidates and how fortunate we are to have two great choices. After discussion it was agreed that Thomas Hartwell seems to have the depth of experience needed for the position. They hope that Mr. Cooke will consider volunteering for other board openings as his experience is also quite impressive.

Paul Salafia moved for the Board of Selectmen to appoint Thomas Hartwell to the Andover Contributory Retirement Board. The motion was seconded by Brian Major and voted 5-0 to approved

H. 138 Chandler Road – Order of Taking

Paul Salafia moved that the Board of Selectmen vote to accept and sign the Order of Taking for the property acquired by the Town from the Park Family Trust at 138 Chandler Road. The motion was seconded by Ale Vispoli and voted 4-0 to approve. Brian Major was not in the room at the time the vote was taken.

I. Donation of Land – Portion of 103 Haggetts Pond Road

Brian Major moved that the Board of Selectmen vote to accept and sign the deed for the donation of land from Gail Calderone to the Town, to be under the care, custody and management of the Conservation Commission. The motion was seconded by Alex Vispoli and voted 5-0 to approve.

J. Tennessee Gas Pipeline Project

The Board had requested a follow-up public meeting with Kinder-Morgan (KM) but KM could not accommodate that request although they did meet with the Town officials in a non-public meeting where five different options were presented to them for location of the gas pipeline. Dan Kowalski shared key points of the meeting which included: this being the first meeting by KM to discuss alternate routes; certain proximity to high-population areas requires improved density of the pipeline; FERC criteria is to stay away from residents and bring the pipeline in through wetlands and conservation areas. The five proposed alternative

options were met with explanations as to the reasons and requirements why they were not considered but KM agreed to reexamine the routes through Andover. Chairman Kowalski will speak with the Town Manager about scheduling another meeting with Kinder-Morgan who will hopefully have an alternate route(s) to propose.

K. Economic Development Council Charter

The Board discussed the Economic Development Council Charter. The initial Charter of the EDC was to advise the Town in areas of economic development (ensure today's businesses would thrive), be supportive of businesses (be an advocate on what needs are to expand), and as a resource to companies looking to relocate in Andover. Their meetings are very exciting, interesting and productive and discussions vibrant. The Board feels the current charter is very effective. The general consensus by the Board of Selectmen is that the makeup of the EDC works well. There are three openings on the EDC and the Board of Selectmen is being asked to approve one of the three.

L. Proposed Budget Schedule

Chairman Kowalski reviewed the proposed Budget schedule for 2014-2015 and noted additional milestones have been added to make the process smoother. Brian Major suggested adding the dates of the Three Chair Meetings to the calendar. The objective is to have every vote by the Board of Selectmen in the Finance Book at the time it goes to print. The calendar will be shared with members of the Tri-Board and School Committee.

VII. All Other Business - None

VIII. Consent Agenda

A. Appointments and Re-appointments

On a motion by Brian Major and seconded by Paul Salafia, the Board voted 5-0 that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>MUNICIPAL SERVICES DEPARTMENT – Public Works Division</u>			
Roger Marc Fournier (v. C. Cronin)	Deputy Director/Highway Supt.	IE28-6/\$90,332	9/16/14
David R. Tiney	Maintenance Specialist-Water/Sewer (v. B. Campbell)	W5-1/\$49,590	9/16/14
<u>MUNICIPAL SERVICES DEPARTMENT – Plant & Facilities Division</u>			
Andrea K. Suranyi	Energy/Project Engineer-Mechanical (v. R. Knight)	IE24-1/\$63,434	9/22/14
Joseph DeMarco	Maintenance Electrician – Temp. (v. M. Jacobs)	W10/\$58,295	10/1/14

Amy MacKenzie	Office Assistant II – PT (v. J. Nicosia)	IE12-1-0/\$21.15/hr.	9/16/14
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ELDER SERVICES

Michael C. LaChance	Food Service Worker – PT (v. A. Klenner)	IE04-6-0/\$18.46/hr.	9/16/14
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COMMUNITY SERVICES

William C. Tarbox	Soccer Coach – PT	Stipend – \$2,000	8/25/14
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Fred S. Tarbox	Soccer Coach – PT	Stipend – \$1,691	8/25/14
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Matthew Soares	Counselor - PT	C2A/\$8.00/hr.	9/8/14
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Patrick Meagher	Counselor – PT	C2A/\$8.00/hr.	9/1/14
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Brenda M. Tobin	Reading Teacher – PT	Stipend – \$1,798	9/2/14
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MEMORIAL HALL LIBRARY

Ruthie Schwaeble	Page – PT (v. S. Kempster)	L1-1/\$8.00/hr.	9/29/14
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Wendy Kung	Chinese Collection Consultant (v. Y. Gao)	PT \$20.00/hr.	9/19/14
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INFORMATION TECHNOLOGY

Michael J. Kirk	Enterprise Application Architect	IE28-8-3/\$99,680	9/1/14
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And that the following appointment by the Board of Selectmen be approved:

HOUSING TRUST FUND BOARD OF TRUSTEES – Term expires 6/30/16

David B. Currie (v. J. Burkholder)

IX. Approval of Minutes from Previous Meetings

On a motion by Alex Vispoli and seconded by Brian Major, the Board of Selectmen voted 5-0 to approve the Regular Meeting Minutes of August 18, 2014 as presented.

X. Executive Session.

At 9:43 P.M. on a motion by Alex Vispoli and seconded by Paul Salafia, the Board moved to enter into Executive Session for consultation with Town Counsel for confidential legal advice; and to discuss the purchase, exchange, lease or value of real property and to return to Open

Session to vote on Executive Session Minutes. Roll call: Chairman Kowalski-Y and Selectmen Alex Vispoli-Y, Paul Salafia, Brian Major-Y, Mary O'Donoghue-Y.

Return to Open Session

At 10:58 P.M. the Board moved to adjourn from Executive Session and return to Open Session not to return to Executive Session. Roll call: Chairman Kowalski-Y and Selectmen Alex Vispoli-Y, Paul Salafia, Brian Major-Y, Mary O'Donoghue-Y.

XI. Approval of Executive Session Minutes – Open Session

Paul Salafia motioned to approve the release of the June 10, 2013 Executive Session Minutes as amended. The motion was seconded by Brian Major and voted to approve. Roll call: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Mary O'Donoghue-Y, Alex Vispoli-Y, and Brian Major-Y.

XII. Adjournment

At 11:02 P.M., on a motion by Paul Salafia and seconded by Alex Vispoli, the Board adjourned from Open Session. Roll call: Chairman Kowalski-Y and Selectmen Mary O'Donoghue-Y, Alex Vispoli-Y, Paul Salafia-Y, Brian Major-Y.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

Documents:

- Columbia Gas – Request and Plans
- Andover Police Department – Memo from Safety Officer outlining Traffic Rules and Regulations Request
- Letter from Johnson & Borenstein, LLC re: 800 Federal Street TIF Agreement
- Letter from Urbelis & Fieldsteel, LLP re: donation of land-deed from Gail Calderone
- Recommendations from EDC Chair Tim Vail to Town Manager re: New EDC members
- Draft of FY-2015 Budget & Town Meeting Planning Schedule